

Remarks/Arguments

Reconsideration of the rejection of claims 1-3 and 7-9 under 35 USC 103 based on Tomko in view of Fishbine et al. is respectfully requested for the following reasons.

Contrary to the Examiner's position set forth on pages 2 and 3 of the Office Action it would not be obvious to combine Tomko and Fishbine et al. in the manner proposed, and even if the proposed combination of Tomko and Fishbine et al. were to be made it would not result in applicants' claimed invention. The "biometric input devices" shown at 20, 120 and 220 of Figure 1 and shown in further detail in Figures 2 and 3 and mentioned col. 3, lines 39-51 do not store fingerprint images in the manner claimed in part a) of claim 1 of the instant application. An important feature of applicants' invention is that the fingerprint images obtained by the portable scanner at one location are stored in the scanner for later retrieval at a docking station at a location physically spaced from the location where fingerprint images are obtained. Claim 1 has been amended to emphasize this important and significant distinction over Tomko.

The "docking stations" shown at 28 and 30 in Figure 1 and mentioned in col. 3, lines 11-13 in Tomko receive the smart cards 140 and 240, respectively, as described in col. 3 at lines 17 and 20. They do not receive portable fingerprint scanners in the manner claimed by applicants because the biometric input devices 120 and 220 are hard-wired to docking stations 28 and 30 by lines 118 and 218, respectively (col. 3, lines 14 and 15 of Tomko).

Claim 1 is amended in part b) to call for the docking station being physically separate from the scanner when the scanner is obtaining fingerprint images to further emphasize the foregoing significant differences as compared to the Tomko arrangement.

In view of the foregoing, it would not be obvious to combine Tomko with Fishbine et al. The several significant differences between applicants' claimed system and the arrangement of Tomko preclude any motivation or incentive to make the proposed combination. The alleged advantages set forth at the top of page 3 of the Office Action would not apply to the proposed modification of Tomko. Tomko is concerned with preventing fraudulent enrollment or access in welfare/insurance entitlements where the individual goes to a location for enrollment and the biometric information conveniently is obtained at the same location where administration/encryption/verification occurs. There is no need and thus no motivation or incentive to modify the Tomko system to include a portable fingerprint scanner.

Furthermore, even if the proposed combination of Tomko and Fishbine et al. were to be made it would not result in applicants' claimed invention. For at least one reason, that is because the "portable image collection unit 10" of Fishbine et al. does not store fingerprint images obtained in the scanner for later retrieval by a docking station in the manner claimed by applicants.

Accordingly, claim 1 as amended and dependent claims 2, 3 and 7-9 are believed to patentably distinguish over Tomko and Fishbine et al. within the meaning of 35 USC 103.

Reconsideration of the rejection of claims 4, 6, 10 and 11 under 35 USC 103 based on Tomko in view of Fishbine et al. and Delagrangé et al. is respectfully requested for the following reasons. Dependent claims 4 and 6 include all the limitations of amended claim 1 which, for the reasons set forth above, is believed to patentably distinguish over Tomko and Fishbine et al. Delagrangé et al. is not considered to disclose anything having a bearing on the reasons why amended claim 1 is considered to patentably distinguish over Tomko and Fishbine et al. Regarding independent claim 10, the two docking stations 28 and 30 of Tomko receive the smart cards 140 and 240, respectively, but they do not receive portable fingerprint scanners because biometric input devices 120 and 220 are hard-wired to docking stations 28 and 30 by lines 118 and 218, respectively as pointed out hereinabove. Delagrangé does not teach a plurality of docking stations having the features set forth in part (b) of claim 10 in combination with a supervisory docking station for receiving a portable fingerprint scanner in the manner called for in part c) of claim 10.

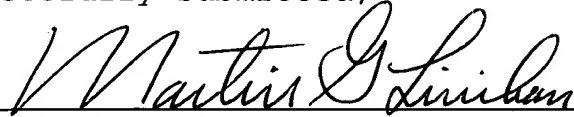
In view of the foregoing, claims 4, 6, 10 and 11 are believed to patentably distinguish over Tomko, Fishbine et al. and Delagrangé et al. within the meaning of 35 USC 103.

Three sheets of formal patent drawing containing Figs. 1-3 are enclosed.

Favorable action on this application is respectfully requested.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Martin G. Linihan", written over a horizontal line.

Martin G. Linihan

Reg. No. 24,926

Hodgson Russ LLP
One M&T Plaza, Suite 2000
Buffalo, New York 14203
Telephone: 716-848-1367
Dated: August 30, 2004

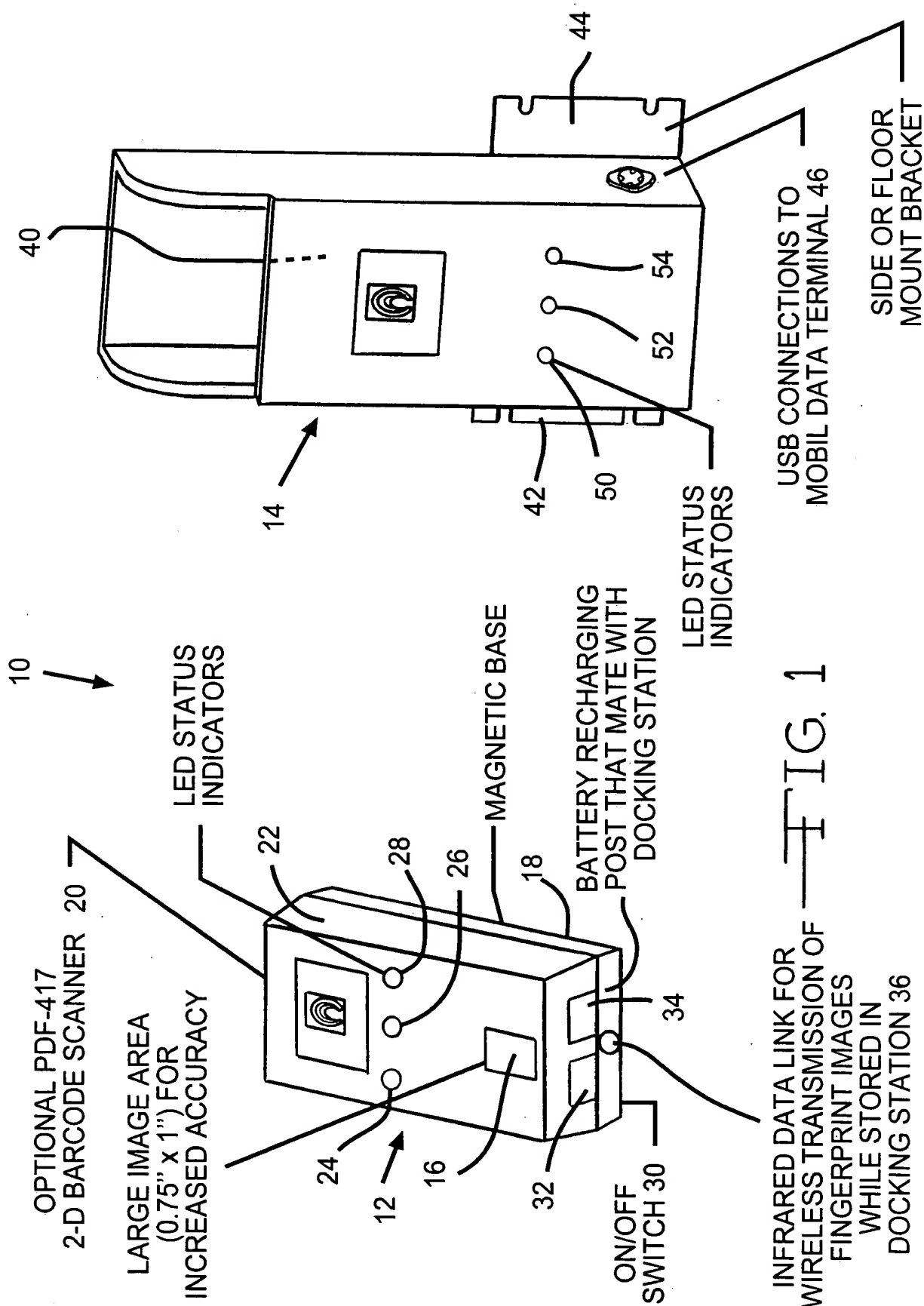


FIG. 1

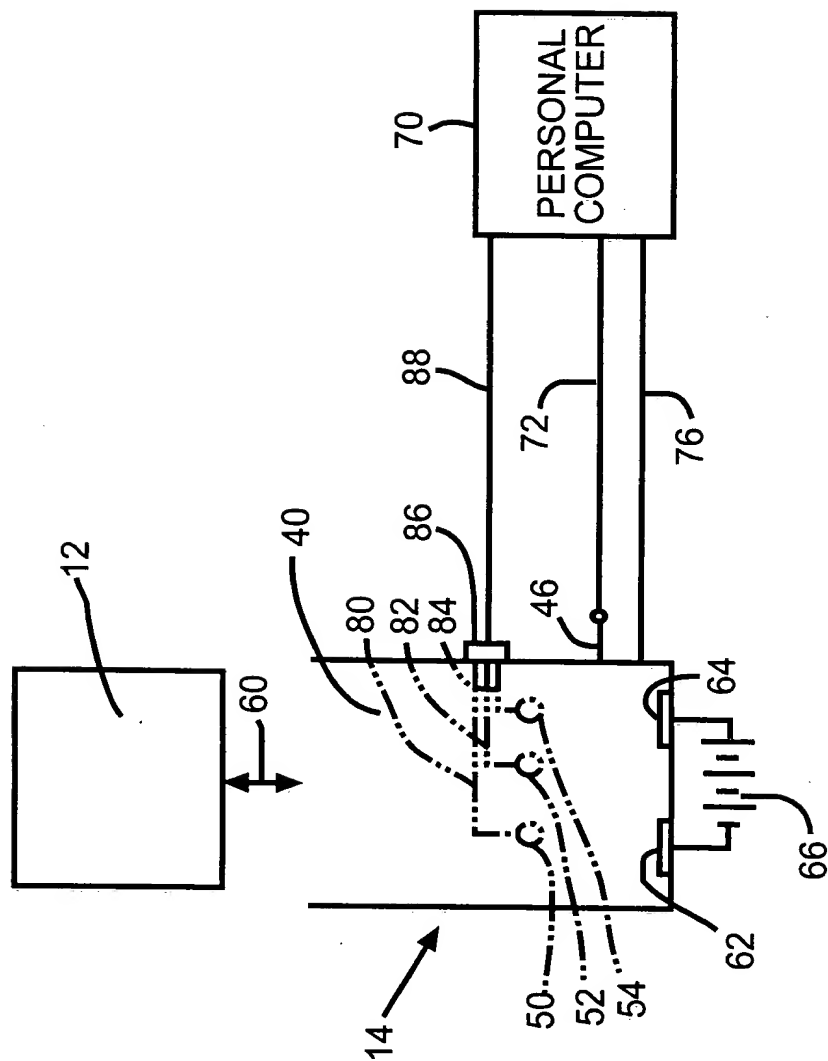


FIG. 2

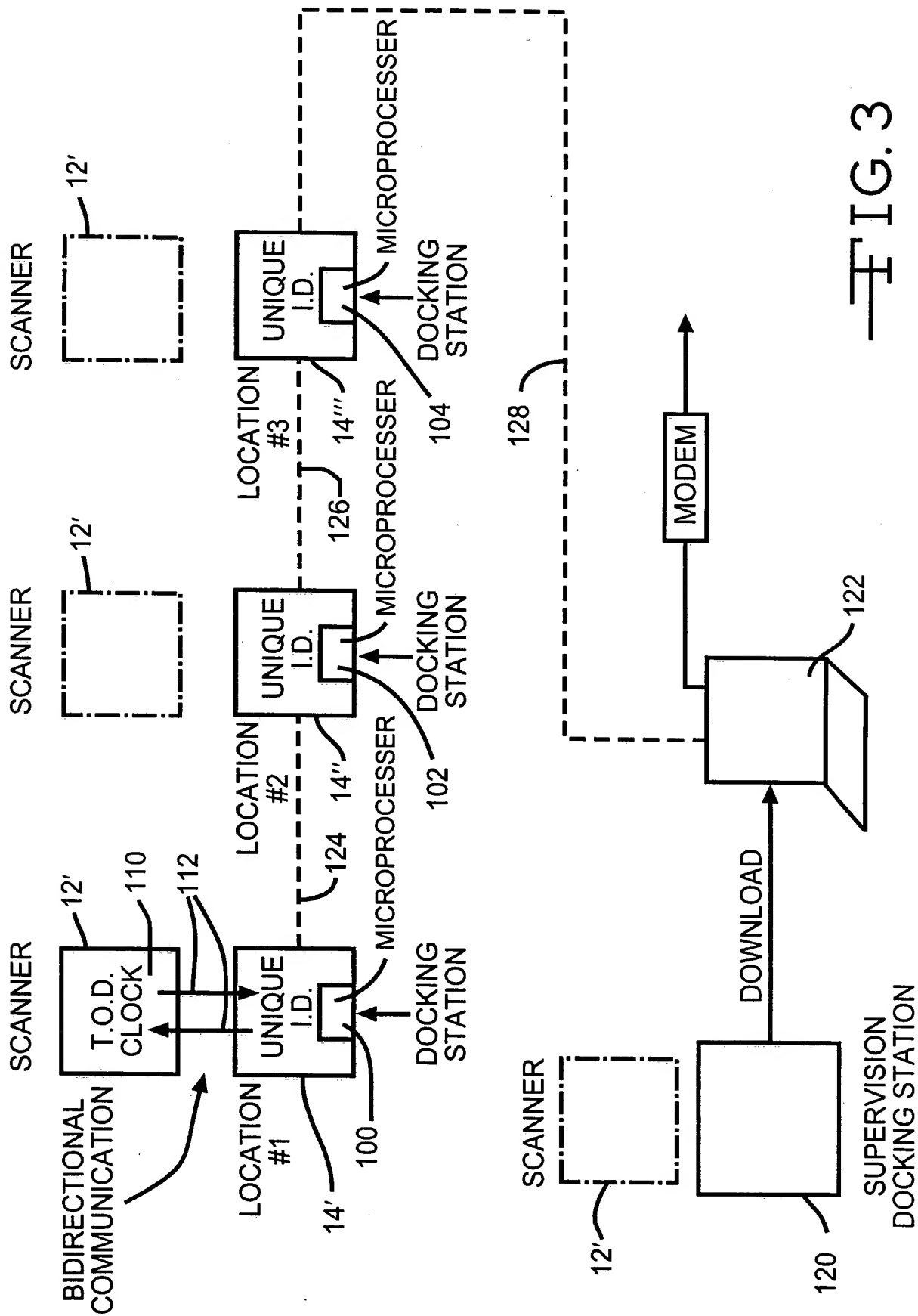


FIG. 3